

LAW AND PARLIAMENTARY AFFAIRS SECRETARIAT

Notification No. LAW 75 LCA 76.

Bangalore, dated 31st August 1976.

Ordered that the Coal Mines (Nationalisation) Amendment Act, 1976 (Central Act No. 67 of 1976 published in Part II, Section 1 of the *Gazette of India*, Extraordinary dated 27th May 1976 be republished in the *Karnataka Gazette* for general information.

By Order and in the name of the Governor of Karnataka,

M. BALAJI RAO,

55 Under Secretary to Govt., I/c., Dept. of Law and Parly. Affairs.

Assented to on 27th May 1976.

Act No. 67 of 1976.

THE COAL MINES (NATIONALISATION) AMENDMENT ACT, 1976.

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further to amend the Coal Mines (Nationalisation) Act, 1973.

BE it enacted by Parliament in the Twenty-Seventh Year of the Republic of India as follows:—

1. **Short title and commencement:**—(1) This Act may be called the Coal Mines (Nationalisation) Amendment Act, 1976.

(2) Sections 2 and 3 of this Act shall be deemed to have come into force on the 29th day of April, 1976.

2. **Insertion of new section 1A.**—In the Coal Mines (Nationalisation) Act, 1973 (26 of 1973 (hereinafter referred to as the principal Act), after section 1, the following section shall be inserted, namely:—

“1A. **Declaration as to expediency of Union control.** (1) It is hereby declared that it is expedient in the public interest that the Union should take under its control the regulation and development of coal mines to the extent hereinafter provided in sub-sections (3) and (4) of section 3 and sub-section (2) of section 30.

(2) The declaration contained in sub-section (1) is in addition to, and not in derogation of, the declaration contained in section 2 of the Mines and Minerals (Regulation and Development) Act, 1957.” (67 of 1957).

3. **Amendment of section 3:**—In section 3 of the principal Act, after sub-section (2), the following sub-sections shall be inserted, namely:—

“(3) Ours and from the commencement of section 3 of the Coal Mines (Nationalisation) Amendment Act, 1976,—

(a) no person, other than—

(i) the Central Government or a Government, company or a corporation owned, managed or controlled by the Central Government

or

(ii) a person to whom a sub-lease, referred to in the proviso to clause (c), has been granted by any such Government, company or corporation, or

(iii) a company engaged in the production of iron and steel shall carry on coal mining operation, in India, in any form;

(b) excepting the mining leases granted before such commencement in favour of the Government, company or corporation referred to in clause (a), and any sub-lease granted by any such Government, company or corporation, all other mining leases and sub-leases in force immediately before such commencement, shall in so far as they relate to the winning or mining of coal, stand terminated;

(c) no lease for winning or mining coal shall be granted in favour of any person other than the Government, company or corporation, referred to in clause (a).

Provided that the Government, company or corporation to whom a lease for winning or mining coal has been granted may grant a sub lease to any person in any area on such terms and conditions as may be specified in the instrument granting the sub-lease, if the Government, company or corporation is satisfied that—

(i) the reserves of coal in the area are in isolated small pockets or are not sufficient for scientific and economical development in a co-ordinated and integrated manner, and

(ii) the coal produced by the sub-lessee will not be required to be transported by rail.

(4) Where a mining lease stands terminated under sub-section (3), it shall be lawful for the Central Government or a Government, company or corporation owned or controlled by the Central Government to obtain, notwithstanding anything contained in sub-section (2), or in the proviso to sub-section (2) of section 3 of the Coal Mines (Taking Over of Management) Act, 1973 (15 of 1973) a prospecting licence or a mining lease in respect of the whole or part of the land covered by the mining lease which stands so terminated."

4. Amendment of Section 30.—Section 30 of the principal Act shall be re-numbered as sub-section (1) of that section, and, after sub-section (1) as so re-numbered, the following sub-section shall be inserted, namely:—

"(2) Any person who engages or causes any other person to be engaged in winning or mining coal from the whole or part of any land in respect of which no valid prospecting licence or mining lease or sub-lease is in force, shall be punishable with imprisonment for a term which may extend to two years and also with fine which may extend to ten thousand rupees."

5. Repeal.—The Coal Mines (Nationalisation) Amendment Ordinance, 1976, (Ordinance 3 of 1976.) is hereby repealed.